IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 29th day of November, 2006
2nd Crl. Bail Application No. 980 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Jagbeer Singh S/o Pancham Singh
R/o Village Bangoan,
Patwari Area Bangaon, Tehsil Dunda,
District Uttarkashi. ..... Applicant

Versus

State of Uttaranchal ..... Opposite Party

Arising out of Crime No. 01 of 2006
Under Sections: 376, 323 and 120-B of I.P.C.
Police Station: Patwari Chauki Bangaon, Tehsil Dunda
District: Uttarkashi.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

This is second bail application, moved on behalf of applicant Jagbeer Singh, who is in jail in connection with crime No. 01 of 2006, relating to offences punishable under Section 376, 323 and 120-B of the I.P.C., Patwari Chauki Bangaon, Tehsil Dunda, District Uttarakashi.

The first bail application was rejected on merits, by this Court, on 13.09.2006.

Learned counsel for the applicant drew attention of this Court to Annexure – 7 to the second bail application, which is an application moved by one Vijay Pal Singh, brother of the victim, to the District Magistrate, Uttarkashi, in which it has been stated that the first information report against applicant Jagbeer Singh, was lodged at the instance of one Narendra Singh, with whom there was political enmity of the applicant.

I have gone through the said document and also the statement of the victim recorded during investigation. As against the statement of the victim, the application of her brother, made after two months of the first

information report, carries little force. The applicant is a village Pradhan, who is said to have committed rape with the complainant's daughter for several days and when she became pregnant, the feotus was also got removed by the applicant Jagbeer Singh. The facts relating to removal of feotus is corroborated from the medical evidence.

In the above circumstances, this Court does not find any reason to allow the bail application. Therefore, the second bail application is, also rejected.

Dt. 29.11.2006 (**Prafulla C. Pant, J.)**
H.Negi